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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,036	02/07/2001	Nobuhiro Usui	P 276747 558762	6197

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EXAMINER

VO, HAI

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/19/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-16

Office Action Summary

Application No.

09/778,036

Applicant(s)

USUI ET AL.

Examiner

Hai Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 6-344362. The page numbers referred below correspond to those of English translated document. JP'362 teaches an automobile panel having a layered construction as follows: an epidermis material 8, a solidification layer 11, a polypropylene foam layer 13 and a solidification layer 11 (figure 7, page 1 of drawing, and claim 3). JP'362 is silent as to the dissimilar thickness of the solidification layers. However, such as variable would have been recognized by one skilled in the art as dependent upon the intended use of the product, such that the outermost skin having a thicker skin relative to the thickness of the inner skin results in greater strength and resistance to tensile. As such, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the solidification layers of JP'362 having the dissimilar thicknesses instantly claimed since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

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With regard to claims 2 and 6, JP'362 teaches an epidermis comprising a cushion layer on the backside (claim 2, page 1 of claims). Since the panel of JP'362 is structurally the same (five-layered construction) and made of the same material as the claimed article, it is the Examiner's position that the elasticity properties and melt flow rate value of polypropylene would be inherently present.

With regard to claim 5, JP'362 discloses the solidification layer having a thickness of 0.4 mm ([0060], page 8 of detailed description).

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitayama et al (US 6,124,025). Kitayama discloses a facing laminating polypropylene-based foamed sheet having a facing material at least on one side of the foamed sheet wherein the foamed sheet is a three-layered product consisting of a skin layer, a foam layer and a skin layer (figure 1, column 10, lines 5-14). Kitayama is silent as to the dissimilar thickness of the skin layers. See obviousness rational with respect to claim 1 in paragraph no. 2 above for the thickness of the skin layer. With regard to claims 2 and 6, Kitayama discloses a facing material being a foamed sheet or a fabric layer (column 9, lines 55-60). See inherency rational with respect to claims 2 and 6 in paragraph no. 2.

With regard to claim 5, Kitayama discloses the skin layer having a thickness of 20% of thickness of the foam layer (figure 1). See obviousness rational with respect to claim 1 in paragraph no. 2 above for the thickness of the skin layer.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozeki et al (US 6,080,469). Ozeki teaches a laminated foam sheet comprising a foam core, a

film layer (P) laminated on one side of the foam core, a film layer (S) laminated on the other side of the foam core and a decorative layer provided on the film layer (P) (abstract, example 5). The film layer (P) is thicker than the film layer (S) (example 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the film layer (P) thinner than the film layer (S) motivated by the desire to provide impart the strength and tensile resistance of the foam.

With regard to claim 2, the additional foam layer is further laminated to the decorative layer (column 9, lines 4-7). See inherency rational with respect to claims 2 in paragraph no. 2.

With regard to claim 3, the thickness ratio between two film layers is not greater than 0.7 (column 6, lines 35-39).

With regard to claim 4, the film layer has the thickness of 120 microns (example 1).

With regard to claims 5 and 6, the core is made of a mixture of polyphenylene and polystyrene resins (column 9, lines 15-18; and column 7, lines 55-58). See inherency rational with respect to claim 6 in paragraph no. 2.

5. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindermann et al (US 5,462,794). Lindermann discloses a multiplayer sheer comprising a foam core layer **13**, an outer multi-resin layer **14**, an inner multi-resin layer **12**, and a barrier layer **11** provided on the inner layer (figure 1). The outer layer and inner layer have different thicknesses (column 12, lines 66-67). Lindermann does not specify the outer layer being thicker than the inner layer. See obviousness

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rational with respect to claim 1 in paragraph no. 2 for the thickness of the skin layer.


With regard to claims 5 and 6, the foam core is made from polypropylene foam (column 8, lines 11-12). See inherency rational with respect to claim 6 in paragraph no. 2.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on Monday to Friday, 8:30 to 5:00 (EAST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

HV
July 3, 2002


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700